

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

HARRY L. SHORT,

Plaintiff,

v.

ACTION NO: 2:17cv484

PORPSMOUTH REDEVELOPMENT AND  
HOUSING AUTHORITY,

and

VERBANA M. ASKEW,

and

THE VERBANA ASKEW LAW FIRM, P.C.,

Defendants.

ORDER

This matter is before the court on the Motions to Dismiss of Defendant Verbana M. Askew ("Askew"), her law firm the Verbana Askew Law Firm, P.C. ("Firm"), and the Portsmouth Redevelopment and Housing Authority ("Authority"), filed on October 4, 2017. ECF Nos. 12, 14. Askew and the Firm jointly filed a Motion to Dismiss counts three through six of the Complaint. Askew Mot. Dismiss at 1, ECF No. 12. The Authority separately filed a Motion to Dismiss counts two through six. Auth. Mot. Dismiss at 1, ECF No. 14. On the same day, the Defendants also filed accompanying Memoranda in Support. ECF

Nos. 13, 15. On October 30, 2017, the Plaintiff filed an Opposition to both Motions to Dismiss. ECF No. 20. On November 13, 2017, Askew and the Firm filed a Reply to Plaintiff's Opposition. ECF No. 25. On November 16, 2017, the Authority filed a Reply to Plaintiff's Opposition. ECF No. 26.

On November 21, 2017, this court referred both Motions to Dismiss to United States Magistrate Judge Douglas E. Miller, pursuant to the provisions of 29 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, and to submit to the undersigned district judge proposed findings of fact and recommendations of law for the disposition of the Motions. ECF No. 27. The Magistrate Judge filed a Report and Recommendation ("R&R") on March 8, 2018, which recommended that this court dismiss counts three through six of the Complaint as to all Defendants but deny dismissal of count two as to the Authority. R&R at 12-13, 16, 17, 23, ECF No. 29. On March 22, 2018, the Authority filed a Partial Objection to the Magistrate Judge's R&R. ECF No. 30. On March 23, 2018, the Plaintiff filed his Objections to the Magistrate Judge's R&R. ECF No. 31. On April 4, 2018, the Plaintiff filed a Response to the Authority's Objection. ECF No. 35. On April 5, 2018, Askew, the Firm, and the Authority filed their Responses to the Plaintiff's Objections. ECF Nos. 36, 37.

This court, having examined the Objections to the Magistrate Judge's R&R, and having made de novo findings with respect thereto, **OVERRULES** the Plaintiff's Objections, **OVERRULES** the Authority's Partial Objection, and hereby **ADOPTS** and **APPROVES IN FULL** the findings of fact, recommendations, and legal conclusions, as set forth in the R&R of the United States Magistrate Judge filed on March 8, 2018. Accordingly, the court **GRANTS** Askew and the Firm's Motion to Dismiss counts three through six, filed on October 4, 2017. The court also **GRANTS** the Authority's Motion to Dismiss counts three through six, but **DENIES** the Authority's Motion to Dismiss count two. The Clerk is **DIRECTED** to forward a copy of this Order to counsel for all parties.

**IT IS SO ORDERED.**

/s/

Rebecca Beach Smith

Chief Judge

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-RBS  
REBECCA BEACH SMITH  
CHIEF JUDGE

April 19, 2018